

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
_____ DIVISION

IN RE:

Case No. _____
Chapter _____

Debtor(s) /

ORDER AND NOTICE OF PRELIMINARY HEARING

_____, having filed a motion for relief from stay,

NOTICE IS HEREBY GIVEN that *if a response opposing the motion is filed* pursuant to L.R. 4001-1(c), a preliminary hearing will be held before the undersigned Bankruptcy Judge by telephone conference, on _____ between the hours of 2:00 p.m. and 5:00 p.m.

Upon the filing of a response in opposition, the clerk will notify the parties of the specific time of the hearing. **IF NO RESPONSE IS FILED, NO HEARING WILL BE HELD AND THE MOTION MAY BE GRANTED BY THE COURT.**

IT IS HEREBY ORDERED AND NOTICE FURTHER GIVEN THAT:

a) The preliminary hearing shall be non-evidentiary unless otherwise noticed and will be restricted to the documents of record and the argument of counsel. Testimony of witnesses will not be permitted.

b) Within five (5) days after the date of this Order, the movant shall file and serve on the debtor and the trustee, if one has been appointed, supporting affidavits and such other

documents demonstrating that the movant is entitled to relief. Depending upon the grounds upon which the motion is based, these shall include the following as appropriate.

- 1) a supporting affidavit of indebtedness;
- 2) a supporting affidavit and documents establishing secured status;
- 3) an appraisal or affidavit of value;
- 4) an affidavit showing such other facts as may be necessary to demonstrate

the movant's right to relief.

c) Within fifteen (15) days of the date of this order if they oppose the motion for relief, the debtor and/or trustee shall file and serve on the movant a response which shall be accompanied by such supporting affidavits or appraisals as applicable.

d) Motions that cannot be disposed of at the preliminary hearing will be set for an evidentiary final hearing within thirty (30) days, unless such time requirement is otherwise waived by the movant.

DONE AND ORDERED at Tallahassee, Florida, this _____ day of _____, 2002.

LEWIS M. KILLIAN, JR.
Bankruptcy Judge

Copies to:

Debtor(s)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
227 North Bronough Street, Room 3120
Tallahassee, Florida 32301

March 4, 2003

WILLIAM W. BLEVINS
CLERK OF COURT

(850)942-8933
Conference Calls:
(850)942-8943

NOTICE

KEYBOARD()

Re: KEYBOARD()
Case No. KEYBOARD()

Your Motion for Relief from Stay on behalf of KEYBOARD() is a **separate proceeding** (sub-case) from the administrative case and has been assigned case number **KEYBOARD()**. This is a separate case number and must be used on any pleading related to this motion.

Note that there is a fifteen (15) day objection period from the date of this order. If **after fifteen days**, no response has been filed, you may submit a proposed order to the court if one was not included with the motion at the time of filing.

WILLIAM W. BLEVINS, CLERK OF COURT

By: _____
Deputy Clerk

NOTE: If a telephone conference hearing is required on your motion, YOUR OFFICE is responsible for setting up the call. All hearings set for telephone conference are for EASTERN TIME and are to be placed to 850/942-8943.

cc: Parties

STOP